THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.13150 OF 2001

DATED: 10-04-2006

BETWEEN

Nawab Mir Barkat Ali Khan Bahadur @

Prince Mukkaram Jha Bahadur.

…PETITIONER

AND

Municipal Corporation of Hyderabad

and others.

…RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondent 1 to 3 in demolishing a portion of the "Chowmohalla Palace" (Khilwath Palace) bearing Municipal No.20-4-211 to 215 situated at Khilwath, Hyderabad as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the owner of the premises known as 'Khilwath Palace' or 'Chowmohalla' bearing municipal No.20-4-211 to 215 and the said property is sought to demolished for the purpose of road widening without following due procedure prescribed in law either under Section 146 or 147 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act').

The Assistant City Planner filed counter stating that as per the road widening proposals from Himathpura to Motigally Zone,
the respondent corporation decided to widen the road up 60' and accordingly, the third respondent issued notice to all the affected parties for necessary consent and thereafter took up the demolition work. It is further stated that when the respondent corporation came to know that the said property in question is notified as a Heritage Building, the respondents have not taken any steps to demolish the same.

Learned counsel for the petitioner further submits that even if consent is obtained in respect of the said building, no portion of the said premises can be demolished without obtaining prior concurrence or approval of the Heritage Committee.

Having regard to the facts and circumstances of the case,
the respondents are directed to obtain prior concurrence and approval of the Heritage Committee if any portion of the said premises is require for the purpose of road widening.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

April 10, 2006

DSK